

REMARKS

Claims Objections

Claims 14-21, 23-31, 33-43 and 45-46 have been objected to as being dependent on claim 1, which was rejected. Applicant has amended claims 14-21, 23-31, 33-43, and 45-46 herein, as set forth above, to depend from independent claim 13. Accordingly, the objection to these claims should be withdrawn.

Claims Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 13-46, 53-55, 61, 62, 64, 70, 73, and 76 under 35 USC § 112 second paragraph as allegedly being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention. To address this rejection independent claim 13 has been amended herein to distinctly list the system steps and the corresponding elements which perform the steps. In addition, independent claim 47 has been amended herein to distinctly list the process steps and the corresponding elements which perform the steps. Since claims 14-46 depend from claim 13, and claim 13 has been amended to distinctly list the system steps and the corresponding elements which perform the steps, rejections to claims 14-46 have been addressed. Since claims 53-55, 61, 62, 64, 70, 73 and 76 depend from claim 47, and claim 47 has been amended to distinctly list the process steps and the corresponding elements which perform the steps, the rejection to claims 53-55, 61, 62, 64, 70, 73 and 76 have been addressed. Accordingly, the rejection to claims 13-46, 53-55, 61, 62, 64, 70, 73 and 76 under 35 USC 112 should be withdrawn.

Further, claim 17, 19, 20, 21, 27,28,30,36, 42, have been rejected as having insufficient antecedent basis from independent claim 13. Claims 13, 17, 19, 20, 21, 27, 28, 30, 36, and 42 have been amended herein to correct this antecedent basis. Further claims 53-55, 61, 62, 64, 70, 73, and 76 have been rejected as having insufficient antecedent basis from claim 47. Claims 47, 53-55, 61, 62, 64, 70, 73 and 76 have

been amended herein to correct this antecedent basis. Accordingly, the rejection to claims 17,19,20,21,27,28,30, 36, 42, 47, 53-55, 61, 62, 64, 70, 73 and 76 under 35 USC 1112 should be withdrawn

Claims Rejections under 35 U.S.C. § 102

Claims 13, 17-20, 37, 40, 41 , 47, 51-54, 71, 74 and 75 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,319,543 to Wilhelm. The rejection is traversed and reconsideration is respectfully requested.

Willhelm is directed to a computer system having a workflow server for automatic and prioritized assignment of work involving processing of medical information records, or "charts", to particular resources (personnel) in a hospital. The system stores data regarding additional medical information records in a relational database, the workflow server identifies which such additional records constitute a new encounter for a particular patient. For each encounter, the system defines one or more visit cases, and may identify for each visit further subset cases for a number of application programs. Such application programs may include coding/abstracting of documents and assigning deficiencies in documents for completion. The system defines states corresponding to each application program. In response to requests from the application programs, the workflow server routes each defined case to a particular workqueue within the proper state, and then can assign each case to a particular resource (employee) within the proper workqueue. The type and number of workqueues within each state, and the criteria for the assignment of resources within each workqueue, can be identified according to the sophistication or prioritization needs of a hospital.

Further, the Wilhelm system teaches a means of tracking case deficiencies for a particular physician (column 8, 3-10) by selecting the menu choice for completion status tracking (proceeding to block 386 fig 6). There the system, preferably through batch processing, allows the user to track a physicians provider status and deficiency status.

In contrast to the disclosure of the Wilhelm reference, independent claim 13 of the present application is directed to a computer system for inputting, storing, organizing, retrieving and authenticating medical records, clinical data, and patient data. Claim 13 provides for a means of converting records to digital format, assigning a patient identifier, and a means for integrating a digital physician signature into the record. Claim 13 also provides means for storing, retrieving and outputting the digital medical records. Claim 13 further recites a database of second digital physician signatures and provides a means of authenticating medical records by comparing the first physician signature integrated into the record against the database of second digital physician signatures. Wilhelm does not teach a database of second digital physician signatures which can be compared to first digital physician signatures integrated into medical records for the purpose of authenticating the records.

Further, Wilhelm (column 10, 43-57) teaches a document with a particular deficiency case may be assigned to a particular physician responsible for completing the document for a particular patient encounter. ...When a physician logs onto the filer server via a workstation 216 the workflow server will allow that physician to deal only with cases containing documents which that physician must complete. For example, a

document missing a DRG attestation may be signed via an electronic signature stored on the filer server. Thus, Wilhelm teaches the use of stored physician signatures specifically for the purpose of "completing" a deficient document. Claim 13 of the invention recites a database of second digital physician signatures and provides a means of authenticating medical records by comparing the first physician signature integrated into the record against the database of second digital physician signatures. Wilhelm does not teach a database of second digital physician signatures which can be compared to first digital physician signatures integrated into medical records for the purpose of authenticating the records.

Further, the Wilhelm system (column 6, 9-14) teaches allowing the user to search the system, using, for example, a patient's name, an identifying discharge: other search criteria may also be employed. Subsets of data may also be retrieved eg, selected documents for a patient for a particular physician. Claim 13 of the invention recites a database of second digital physician signatures and provides a means of authenticating medical records by comparing the first physician signature integrated into the record against the database of second digital physician signatures. Wilhelm does not teach a database of second digital physician signatures which can be compared to first digital physician signatures integrated into medical records for the purpose of authenticating the records.

Further, Further Wilhelm's system (column 8, 34-39) teaches if the user selects the menu choice for generating physician letters.....the system proceeds to block 394. There the user may request the printing of notification letters regarding deficiencies addressed to individual physicians. Claim 13 of the invention recites a database of

second digital physician signatures and provides a means of authenticating medical records by comparing the first physician signature integrated into the record against the database of second digital physician signatures. Wilhelm does not teach a database of second digital physician signatures which can be compared to first digital physician signatures integrated into medical records for the purpose of authenticating the records.

For at least the above identified reasons Wilhelm does not teach each and every element of claim 13 (first claim) as required to anticipate the claimed invention under 35 USC 102 (b). Accordingly, the rejection of claim 13 under 35 USC 102 (b) as being anticipated by Wilhelm 5,319,543 reference should be withdrawn.

Further, claims 17-20, 37, 40, and 41 depend from claim 13 and also recite additional limitations. Since amended claim 13 is not anticipated by Wilhelm for at least the above identified reasons, dependent claims 17-20, 37,40, and 41, are also not anticipated by Wilhelm. Therefore, the rejection of claims 17-20, 37,40 , and 41, under 35 USC 102 (b) should also be withdrawn.

Independent claim 47 and its dependent claims 51-54, 71, 74 and 75 are rejected under 35 USC 102 as being anticipated by Wilhelm '543. The rejection is traversed and reconsideration is respectfully requested.

Willhelm is directed to a method of a workflow server which provides automatic and prioritized assignment of work involving processing of medical information records, or "charts", to particular resources (personnel) in a hospital. The method provides for storing data regarding additional medical information records in a relational database, having workflow server identify which such additional records constitute a new encounter for a particular patient. The method provides that for each encounter, the

system defines one or more visit cases, and may identify for each visit further subset cases for a number of application programs. The method provides for application programs which may include coding/abstracting of documents and assigning deficiencies in documents for completion. The method provides for defining states corresponding to each application program, and responding to requests from the application programs, which in turn routes each defined case to a particular workqueue within the proper state, and then assigning each case to a particular resource (employee) within the proper workqueue. The method provides for identifying the type and number of workqueues within each state, and the criteria for the assignment of resources within each workqueue, based on the sophistication or prioritization needs of a hospital.

Further, the Wilhelm's method provides for the tracking case deficiencies for a particular physician (column 8, 3-10) by selecting the menu choice for completion status tracking (proceeding to block 386 fig 6). The method allows for tracking a particular physician's provider status and deficiency status, by an authorized user.

In contrast to the disclosure of the Wilhelm reference, independent claim 47 of the present application is directed to a process for inputting, storing, organizing, retrieving and authenticating medical records, clinical data, and patient data. The process of Claim 47 provides for converting records to digital format, assigning a patient identifier, and integrating a digital physician signature into the record. The process of Claim 47 also provides for storing, retrieving and outputting the digital medical records. Claim 47 further recites the process of authenticating medical records by comparing a database of second digital physician signatures against the first physician signature integrated into a particular medical record. Wilhelm does not teach a method of authenticating medical records by comparing a first digital physician

signature integrated within a medical record against a database of second digital physician signatures stored within the system.

Further, Wilhelm's method (column 10, 43-57) teaches assigning a particular case, with a particular deficiency, to a particular physician responsible for the purpose of completing the document of a particular patient encounter. Further, the Wilhelm method allows for a physician who logs onto the filer server via a workstation 216 to deal only with cases containing documents which that physician must complete. For example, a document missing a DRG attestation may be signed via an electronic signature stored on the filer server. Thus, Wilhelm teaches the method of storing physician signatures specifically for the purpose of "completing" a deficient document. Claim 47 of the invention recites a process of authenticating medical records by comparing a first digital physician signature integrated into a medical record against a second digital physician signature stored in the system database.. Wilhelm does not teach a method of authenticating medical records by comparing a first digital physician signature integrated into a medical record against a second digital physician signature stored in the system database.

Further, Wilhelm's method (column 8, 34-39) teaches if the user selects the menu choice for generating physician letters.....the system proceeds to block 394. There the user may request the printing of notification letters regarding deficiencies addressed to individual physicians. Claim 47 of the invention recites a process of authenticating medical records by comparing a first digital physician signature integrated into a medical record against a second digital physician signature stored in the system database.. Wilhelm does not teach a method of authenticating medical

records by comparing a first digital physician signature integrated into a medical record against a second digital physician signature stored in the system database.

Further, Wilhelm's method (column 6, 9-14) teaches allowing the user to search the system, using, for example, a patient's name, an identifying discharge: other search criteria may also be employed. Subsets of data may also be retrieved eg, selected documents for a patient for a particular physician. Claim 47 of the invention recites a process of authenticating medical records by comparing a first digital physician signature integrated into a medical record against a second digital physician signature stored in the system database.. Wilhelm does not teach a method of authenticating medical records by comparing a first digital physician signature integrated into a medical record against a second digital physician signature stored in the system database.

For at least the above identified reasons Wilhelm does not teach each and every element of claim 47 as required to anticipate the claimed invention under 35 USC 102 (b). Accordingly, the rejection of claim 47 under 35 USC 102 (b) as being anticipated by Wilhelm 5,319,543 reference should be withdrawn.

Further, claims 51-54, 71, 74 and 75 depend from claim 47 and also recite additional limitations. Since amended claim 47 is not anticipated by Wilhelm for at least the above identified reasons, dependent claims 51-54, 71, 74 and 75 are also not anticipated by Wilhelm. Therefore, the rejection of claims 51-54, 71, 74 and 75 under 35 USC 102 (b) should also be withdrawn.

Claims Rejection 35 USC 103

Claims 48, 49, 55, 66, 70, 14, 15, 21, 32, and 36 have been rejected under 35 USC 103 as being unpatentable over Wilhelm 5,319,543 in view of Hoffman 5,613,012. Claims 48, 49, 55, 66, and 70 depend from claim 47. The examiner's rejection of claims 48, 49, 55, 66 and 70 is based on the anticipation rejection of claim 47 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 47 over the disclosure of Wilhelm 543 apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 48, 49, 55, 66 and 70 as required to support as obviousness rejection under 35 USC 103. Accordingly, the rejection of claims 48, 55, 66 and 70 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn. Further, claims 14, 15, 21, 32 and 36 depend from claim 13. The examiner's rejection of claims 14, 15, 21, 32 and 36 is based on the anticipation rejection of claim 13 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 13 over the disclosure of Wilhelm apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 14, 15, 21, 32, and 36 as required to support and obviousness rejection under 35 USC 103. Accordingly, the rejection of claims 14, 15, 21, 32 and 36 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn.

Claims 16, 22-27, 31, 33, 34, 38, 39, 42, 50, 56-61, 65, 67, 68, 72, 73 and 78 are rejected under 35 USC 103(a) as being unpatentable over Wilhelm 5,319,543 in view of Surwit 6,024,699. Claims 50, 56-61, 65, 67, 68, 72 and 78 depend from claim 47. The examiner's rejection of claims 50, 56-61, 65, 67, 68, 72 and 78 is based on the anticipation rejection of claim 47 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 47 over the disclosure of Wilhelm 543 apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 50, 56-61, 65, 67, 68, 72 and 78 as required to support as obviousness rejection under

35 USC 103. Accordingly, the rejection of claims 50, 56-61, 65, 67, 68, 72 and 78 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn. Further, claims 16, 22-27, 31, 33, 34, 38, 39, and 42 depend from claim 13. The examiner's rejection of claims 16, 22-27, 31, 33, 34, 38, 39, and 42 is based on the anticipation rejection of claim 13 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 13 over the disclosure of Wilhelm apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 16, 22-27, 31, 33, 34, 38, 39, and 42 as required to support and obviousness rejection under 35 USC 103. Accordingly, the rejection of claims 16, 22-27, 31, 33, 34, 38, 39, and 42 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn.

Claims 28-30, and 62-64 are rejected under 35 USC 103(a) as being unpatentable over Wilhelm 5,319,543 in view of Bardy 6,312,378. Claims 62-64 depend from claim 47. The examiner's rejection of claims 62-64 is based on the anticipation rejection of claim 47 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 47 over the disclosure of Wilhelm 543 apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 62-64 as required to support as obviousness rejection under 35 USC 103. Accordingly, the rejection of claims 62-64 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn. Further, claims 28-30 depend from claim 13. The examiner's rejection of claims 28-30 is based on the anticipation rejection of claim 13 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 13 over the disclosure of Wilhelm apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 28-30 as required to support and obviousness rejection under 35 USC 103. Accordingly, the rejection of claims 28-30 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn.

Claims 43, 44, 77, and 78 are rejected under 35 USC 103(a) as being unpatentable over Wilhelm 5,319,543 in view of Bardy 6,312,378 and De La Huerga 6,255,951. Claims 77 and 78 depend from claim 47. The examiner's rejection of claims 77 and 78 is based on the anticipation rejection of claim 47 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 47 over the disclosure of Wilhelm 543 apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 77 and 78 as required to support as obviousness rejection under 35 USC 103. Accordingly, the rejection of claims 77 and 78 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn. Further, claims 43 and 44 depend from claim 13. The examiner's rejection of claims 43 and 44 is based on the anticipation rejection of claim 13 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 13 over the disclosure of Wilhelm apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 43 and 44 as required to support and obviousness rejection under 35 USC 103. Accordingly, the rejection of claims 43 and 44 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn.

Claims 45, 46, 79 and 80 are rejected under 35 USC 103 (a) as being unpatentable over Wilhelm 5,319,543 in view of Surwit 6,024,699 and further in view of De La Huerga 6,255,951. Claims 79 and 80 depend from claim 47. The examiner's rejection of claims 79 and 80 is based on the anticipation rejection of claim 47 under 35 USC 102(b) discussed hereinabove. Therefore, the reasons set forth above distinguishing claim 47 over the disclosure of Wilhelm 543 apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 79 and 80 as required to support as obviousness rejection under 35 USC 103. Accordingly, the rejection of claims 79 and 80 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn. Further, claims 45 and 46 depend from claim 13. The examiner's rejection of claims 45 and 46 is based on the

anticipation rejection of claim 13 under 35 USC 102(b) discussed hereinabove.

Therefore, the reasons set forth above distinguishing claim 13 over the disclosure of Wilhelm apply equally here and are incorporated herein. Thus for at least the above identified reasons Wilhelm does not teach or suggest each and every element of claims 45 and 46 as required to support an obviousness rejection under 35 USC 103.

Accordingly, the rejection of claims 45 and 46 under 35 USC 103 as being unpatentable over Wilhelm should be withdrawn.